

## **Assembly Bill No. 2694**

### **CHAPTER 269**

An act to amend Section 60010 of, and to add Section 60052 to, the Education Code, relating to instructional materials.

[Approved by Governor September 23, 2010. Filed with  
Secretary of State September 24, 2010.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 2694, Blumenfield. Instructional materials.

Existing law provides for the adoption and selection of instructional materials for use in the elementary and secondary schools and defines "supplementary instructional materials" as instructional materials that, for a given subject and at a given grade level, provide for meeting the various learning ability levels of pupils, or meeting the diverse educational needs of pupils with a language disability or of pupils reflective of a condition of cultural pluralism, or that provide more complete coverage of a subject or subjects included in a given course.

This bill would include in the definition of "supplementary instructional materials" instructional materials that use current relevant technology that further engages interactive learning in the classroom and beyond and would require the governing board of a school district, when adopting instructional materials for use in schools, to include relevant technology-based materials, as defined, if the materials are both available and comparable to other, equivalent instructional materials, as defined.

*The people of the State of California do enact as follows:*

SECTION 1. Section 60010 of the Education Code is amended to read:  
60010. For purposes of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

(a) "Basic instructional materials" means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.

(b) "Commission" means the Curriculum Development and Supplemental Materials Commission.

(c) "Curriculum framework" means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

(d) "District board" means the board of education or governing board of a county, city and county, city, or other district that has the duty to provide

for the education of the children in its county, city and county, city, or district.

(e) “Elementary school” means all public schools in which instruction is given through grade 8 or in any one or more of those grades.

(f) “Governing boards” means the state board and any one or more district boards.

(g) “High school” means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.

(h) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) “Nonpublic school” means a school that both satisfies the requirements of Section 48222, and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

(j) “School official” means a member of a governing board, a city, county, city and county, or district superintendent of schools, and a principal, teacher, or other employee under his or her charge.

(k) “State board” means the State Board of Education.

(l) “Supplementary instructional materials” means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(5) To use current, relevant technology that further engages interactive learning in the classroom and beyond.

(m) (1) “Technology-based materials” means basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases.

(2) Technology-based materials do not include the electronic equipment required to make use of those materials, unless that equipment is to be used by pupils and teachers as a learning resource. However, this shall not be construed to authorize a school district to replace computers or related equipment in an existing computer lab or allow a school district to establish a new computer lab.

(3) Nothing in this subdivision shall be construed to relieve a school district of the obligation to provide pupils with sufficient textbooks or instructional materials pursuant to paragraph (1) of subdivision (c) of Section 60119. If a county office of education determines that a school district is out of compliance with paragraph (1) of subdivision (c) of Section 60119, that school district is not authorized to procure electronic equipment pursuant to paragraph (2) of this subdivision.

(n) “Test” means a device used to measure the knowledge or achievement of pupils.

SEC. 2. Section 60052 is added to the Education Code, to read:

60052. When adopting instructional materials for use in schools, the governing board of a school district may include relevant technology-based materials, as defined in subdivision (m) of Section 60010, if the materials are both available and comparable to other, equivalent instructional materials, as defined in subdivision (h) of Section 60010.